

Frank Padilla Vindrola Jr
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Tucson, AZ 85735
City/State/Zip Code

Phone No. 520-578-6144

Debtor in propria persona

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF Arizona

In re Frank Padilla Vindrola Jr

Soc. Sec. No.

627-94-5592

Debtor(s).

Frank Padilla Vindrola Jr

Plaintiff(s).

vs.

US Department of Education

Defendant(s).

Case No. 05-07773

Chapter 7

Adversary No. A05-157

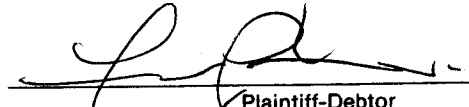
MOTION FOR DEFAULT JUDGMENT
UNDER BANKRUPTCY RULE 7055

Plaintiff-Debtor, Frank Padilla Vindrola Jr in pro per, pursuant to Bankruptcy Rule 7055, moves this Court for a Judgment by Default against defendant, US Department of Education, and respectfully shows as follows:

1. Plaintiff commenced the initial Bankruptcy action by filing on April 25, 2005, a Voluntary Petition pursuant to (check one) ☒ Chapter 7 ☐ Chapter 13 of the Bankruptcy Code.
2. Plaintiff commenced this adversary action by filing a Complaint To Determine Dischargeability of Student Loan under 11 U.S.C. §523(a)(8) on June 16, 2005.
3. That service of a copy of said Complaint was made upon defendant pursuant to Bankruptcy Rule 7004(b) on June 16, 2005.
4. That defendant failed to file an answer or response to said complaint as provided under Bankruptcy Rule 7012(b) within the time periods fixed by Bankruptcy Rule 7012(a).
5. That the default of defendant was entered by the Clerk of this Court on July 27, 2005.
6. That plaintiff is entitled to a judgment discharging the student loan(s) held by the defendant herein, on the grounds that (a) plaintiff cannot maintain, based on current income and expenses, a minimal standard of living if forced to repay said loan(s), (b) additional circumstances exist which are fully setout in the annexed affidavit in support of this motion that show plaintiff's current state of financial affairs is likely to exist for a significant portion of the repayment period of said student loans, (c) plaintiff has made a good faith effort to repay said loan(s).
7. That pursuant to Bankruptcy Rule 7055, plaintiff is entitled to judgment by default.

WHEREFORE, plaintiff prays that the Court grant this Motion For Default Judgment and enter a Default Judgment upon a finding that excepting the student loan debt, the subject of this action, from discharge will impose an undue hardship on debtor pursuant to 11 U.S.C. §523(a)(8).

Dated this 11 day of May, 2005.



Plaintiff-Debtor
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